

Remarks

Claims 1-107 were pending. By this amendment, claims 68, 75, and 82-88 are cancelled without prejudice due to the restriction requirement. Therefore, claims 1-67, 69-74, 76-83, and 89-107 are now pending. Mis-numbered claim 106 has been renumbered as 107.

During a telephone call with Applicants' representative Sheree Lynn Rybak, Ph.D. on November 8, 2006, Examiner Slobodyansky clarified that the division between SEQ ID NOS: 20/21 and SEQ ID NOS: 29/30 (see page 4 of the Office action) is a restriction, not a species election.

Applicants elect Group VIII (claims 47-67, 69-74, 76 and 107), and SEQ ID NO: 29 and 30, with traverse. Applicants disagree with the statement on page 4 (paragraph 8) of the Office action that states: "polypeptides having alanine 2, 3-aminomutase activity are known in the art." First, there is no art cited in the Office action to support this position. Second, this application contains the first disclosure of enzymes having alanine 2, 3-aminomutase activity. Therefore, the disclosed alanine 2, 3-aminomutase peptides and nucleic acids shown in SEQ ID NOS: 21, 21, 29 and 30 make a contribution over the prior art. The claims relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, the special technical feature that is common to all of the claims are the novel alanine 2,3-aminomutase sequences provided by the application.


If there are any questions regarding this response, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Sheree Lynn Rybak, Ph.D.
Registration No. 47,913